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SEP 18 2009

Public Disclosure  
Commission

**Formal Complaint to the Washington State Public Disclosure Commission  
Relating to an Elected Official or Candidate for Public Office**

Name of Official or Candidate: JOE HYER  
Address of Official or Candidate: 120 State Ave. NE #133  
Official's or Candidate's OLYMPIA WA 98501  
City State Zip Code  
Official's or Candidate's Telephone: (360) 280-2533  
(Include Area Code)  
Official's or Candidate's E-Mail Address: info@joe.hyer.com  
(If known)

Your signature: Melissa Barrett  
Your printed name: Melissa Barrett  
Street address: 2926 Langridge Loop  
City, state and zip code: Olympia WA 98502  
Telephone number: (360) 951-5763  
E-Mail Address: (Optional) \_\_\_\_\_  
Date Signed: 9/17/09  
Place Signed (City and County): Olympia Thurston  
City County

**Complaint: (Attach Complaint and Certification)**

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**Certification for a  
Complaint to the Washington State Public Disclosure Commission Relating to an  
Elected Official or Candidate for Public Office  
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: Melissa Barrett

Your printed name: Melissa Barrett

Street address: 2926 Langridge Loop NW

City, state and zip code: Olympia WA 98502

Telephone number: (360) 951-5763

E-Mail Address: (Optional) \_\_\_\_\_

Date Signed: 9/17/09

Place Signed (City and County): Olympia Thurston  
City County

\*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

**COMPLAINT ATTACHED**

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Committee

This complaint is based on Chapter 42.17 RCW, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC. The RCW 42.17.130 states in part: "No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency and clientele lists of persons served by the office or agency..."

**BACKGROUND:** City of Olympia councilmember and candidate for re-election Joe Hyer published and began distributing a campaign literature piece in August, 2009 (attached.) The eight page newsprint piece contains a photograph of Hyer and a current City of Olympia staff member. The caption under the photo identifies the staffer by name and title. (Jay Burney, Asst. Director of Public Works). The two men are standing next to each other, in a setting that one would reasonably assume to be a city office. On Page 5 of the campaign literature piece is another city of Olympia record (picture) depicting an official city event with Tribal leaders and another city elected official. On Page 1 a third official city record (photograph) is illegally used which depicts an official city event that includes other city council members. Additionally, on Page 4 the campaign piece uses a state Department of Transportation photo.

These photographs are government material and work products of public employees and are not allowed directly or indirectly for the purpose of assisting a campaign for election of any person to any office. In addition, the campaign literature piece also contains a photograph of a number of council members at an event without indicating who took the photograph. This creates the additional appearance that legitimate staff work products appear in campaign material.

I submit that Councilmember Joe Hyer violated RCW 42.17.130 by using resources of the City of Olympia and the state of Washington DOT by utilizing their property, resources and employees (photograph of a staffer with the candidate in a city office and the DOT photo) for a campaign literature piece. RESPECTFULLY SUBMITTED the 15<sup>th</sup> day of September, 2009.